



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-8909

4APT-EES

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Frank Monroe  
Chief Executive Officer  
Columbia Farms, Inc.  
Greenville Division  
125 N. Lee Street  
Leesville, South Carolina 29070

SUBJ: Complaint and Consent Agreement/Consent Order for  
In the Matter of Columbia Farms, Inc., West Columbia  
Location  
Docket No. EPCRA-IV-97-661

Dear Mr. Monroe:

I am enclosing a copy of the Administrative Complaint (Complaint) for the above-referenced case and a copy of the ratified Consent Agreement/Consent Order (CACO), which resolves the matter. Both documents were filed with the Regional Hearing Clerk, as required by 40 C.F.R. §22.05(a).

Pursuant to Paragraph D.2 of the CACO, please forward a cashier's or certified check for TWO THOUSAND DOLLARS (\$2,000), payable to the "Treasurer of the United States," within 30 days of receipt of these documents to:

U.S. EPA -- Region 4  
Regional Hearing Clerk  
P.O. Box 100142  
Atlanta, Georgia 30384

If you have any questions, you may contact Dennis Wile of my staff at (404)562-9182.

Sincerely,

William J. Taylor  
Chief, EPCRA Enforcement Section

Enclosures

4APT-EES:12/18/97:Columbia Farms, West Columbia

WILE *D. Wile*

TAYLOR \_\_\_\_\_

Upon receipt, I will submit the CACO to the EPA Region 4 Regional Administrator for signature, then file it, along with the finalized Complaint, with the Regional Hearing Clerk, as required by 40 CFR 22.05(a).

Columbia Farms, Inc., West Columbia location, will be required to pay the agreed-upon TWO THOUSAND DOLLAR (\$2,000) civil penalty, according to the terms of the CACO, within 30 days after receiving a copy of the fully executed, filed CACO. Do not submit your payment before you receive the copy.

If you have any questions, you may contact Dennis Wile of my staff at (404) 562-9182.

Sincerely,

William J. Taylor, Chief  
EPCRA Enforcement Section

Enclosures

4APT-EES:12/18/97:Columbia Farms Inc.

WILE

*[Signature]*  
12/18/97

TAYLOR

*[Signature]*  
1/17/98

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of: ) Docket No. EPCRA-IV-97-661  
Columbia Farms, Inc., ) ADMINISTRATIVE COMPLAINT  
Respondent. ) AND NOTICE OF OPPORTUNITY  
FOR HEARING

ADMINISTRATIVE COMPLAINT

This Administrative Complaint (Complaint) is issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. §11045. The Administrator of EPA has delegated this authority under EPCRA to the Regional Administrators by EPA delegation 22-3-A (October 31, 1989; May 11, 1994). The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides, and Toxics Management Division, by EPA Region 4 delegation 22-3-A, dated April 4, 1994. The Director, Air, Pesticides, and Toxics Management Division (Complainant) issues this Complaint and Notice of Opportunity to Request a Hearing against Columbia Farms, Inc., for violation of Section 312 of EPCRA, 42 U.S.C. §11022, and the regulations promulgated thereunder, and alleges the following:

PRELIMINARY STATEMENT

1. Columbia Farms, Inc., (Respondent) is incorporated in South Carolina and authorized to do business under the laws of the State of South Carolina.

2. Respondent is a "person" as that term is defined in Section 329(7) of EPCRA, 42 U.S.C. §11049(7).

3. Respondent owns and operates a "facility," as that term is defined in Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), at 338 Sunset Boulevard, West Columbia, South Carolina 29169.

4. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and the regulations found at 40 CFR §370.25, provide that the owner or operator of a facility required to prepare or have available a Material Safety Data Sheet (MSDS) for a hazardous chemical under the Occupational Safety and Health Act of 1970 (OSHA), 29 U.S.C. §651 et seq., shall submit to the State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and the fire department with jurisdiction over the facility, on or before March 1, 1988, and on or before March 1 annually thereafter, a completed Emergency and Hazardous Chemical Inventory form (Tier I or Tier II). The submitted forms must contain the information described in 40 CFR §370.40 or 40 CFR §370.41 for all hazardous chemicals present at the facility at any one time during the previous calendar year in amounts equal to or greater than 10,000 pounds and for all extremely hazardous substances (EHSs) present at the facility at any one time during the previous calendar year in an amount equal to 500 pounds or the "threshold planning quantity," whichever is lower.

5. December 23, 1997, Respondent and Complainant entered into a National Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 Sector Enforcement Agreement (Agreement).



Pursuant to this Agreement, Respondent agreed to submit a completed chemical inventory form for fuel oil for calendar year 1995 to the SERC, LEPC, and the local fire department and submit a copy to EPA. The copy was received by EPA on or about January 6, 1998.

Count I

6. Paragraphs one (1) through five (5) of this Complaint are realleged as if fully set forth below.

7. During calendar year 1995, over 500 pounds of ammonia and over 10,000 pounds of fuel oil were present at Respondent's facility, located at 338 Sunset Boulevard, West Columbia, South Carolina 29169, at one time.

8. Ammonia is an extremely hazardous substance as defined by Section 329 of EPCRA, 42 U.S.C. §11049. Fuel oil is a hazardous substance as defined by Section 329 of EPCRA, 42 U.S.C. §11049.

9. The threshold quantity for ammonia is 500 pounds, as established in 40 C.F.R. Part 370.

10. The threshold quantity for fuel oil is 10,000 pounds, as established in 40 C.F.R. Part 370.

11. Respondent is required to prepare, or have available, MSDSs for the ammonia and fuel oil under OSHA and its implementing regulations.

12. Respondent failed to submit a completed Emergency and Hazardous Chemical Inventory form for the chemicals listed in Paragraph 7, for calendar year 1995, to the SERC, the LEPC, and

the fire department with jurisdiction over the facility by March 1, 1996, as required by Section 312 of EPCRA, 42 U.S.C. §11022.

13. Respondent violated the reporting requirements of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), for calendar year 1995 and is therefore subject to the assessment of penalties under Section 325 of EPCRA, 42 U.S.C. § 11045.

PROPOSED PENALTY

Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides that for violation of Section 312, 42 U.S.C. § 11022, EPA may assess a penalty not to exceed \$25,000 per violation. Each day a violation of Section 312 continues constitutes a separate violation. In calculating EPCRA penalties, Complainant must consider the nature, circumstances, extent and gravity of the violations, and with respect to the Respondent, its ability to pay, prior history of violations, degree of culpability, economic benefit or savings resulting from the violation, and such other matters as justice requires.

As part of the National Emergency Planning and Community Right-to-Know Act Section 312 Sector Enforcement Initiative, designed to foster compliance by Respondents with facilities in the Food and Kindred Products Standard Industrial Classification (SIC) Code 20, EPA entered into an Agreement with Respondent to significantly reduce the civil penalty assessed for Section 312 violations in exchange for submission of required chemical inventory forms within a 60-day timeframe.

Based on Respondent's compliance with all terms of the Agreement, and pursuant to the Agreement, Respondent is assessed a TWO THOUSAND DOLLAR (\$2,000) civil penalty for violation of EPCRA Section 312.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

If this matter is resolved as outlined in the Agreement, this Complaint will be filed simultaneously with a Consent Agreement/Consent Order. However, if the matter is not resolved as outlined in the Agreement, a Complaint may be issued against Respondent. Within 20 days after receiving a copy of such a filed Complaint, Respondent may request a hearing before an EPA Administrative Law Judge and at the hearing may contest any material fact and the appropriateness of any penalty amount proposed. To request a hearing, Respondent must file a written Answer within 20 days of receipt of a copy of the filed Complaint. The Answer must clearly and directly admit, deny or explain each of the factual allegations contained in this Complaint of which Respondent has any knowledge. If Respondent has no knowledge of a particular factual allegation, the Answer shall so state. Such a statement is deemed to be a denial of the allegation. The Answer shall contain: (1) a statement of the facts which constitute the grounds of a defense; (2) a concise statement of the facts which Respondent intends to place at issue in the hearing; and (3) whether a hearing is requested. The denial of any material fact or the raising of any affirmative defense shall be construed as a request for a hearing. Failure

of Respondent to admit, deny, or explain any material factual allegation contained in the Complaint constitutes an admission of the allegation.

If Respondent fails to file a written Answer within 20 days of receipt of a copy of the filed Complaint, such failure shall constitute an admission of all facts alleged in the filed Complaint and a waiver of the right to a hearing. Failure to file an Answer within 20 days may result in the filing of a Motion for Default and issuance of a Default Order. The Default Order may impose the penalties proposed in the filed Complaint without further proceedings.

Any hearing requested will be conducted in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and Revocation or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22. Respondent must send any request for a hearing to:

Regional Hearing Clerk  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

A copy of the Answer and all other documents that Respondent files in this action should be sent to the following attorney representing the U.S. EPA in this matter:

Karen Singer  
Assistant Regional Counsel  
U.S. EPA Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303



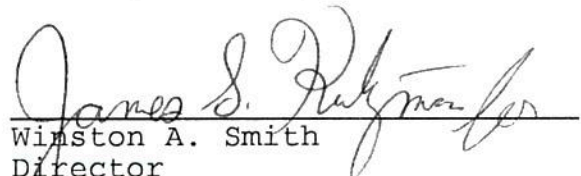
If Respondent fails to request a hearing within the designated time period or fails to appear at a hearing, EPA may issue a Final Order assessing the proposed administrative penalty. In accordance with Section 325(f) of EPCRA, 42 U.S.C. § 11045(f), Respondent may obtain review of any Final Order by filing a Notice of Appeal in the United States District Court for the district in which the facility is located within 30 days from the date of such Final Order and by simultaneously sending a copy of such notice by certified mail to the Administrator of EPA.

SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

The Consolidated Rules prohibit any unilateral discussion or ex parte (unilateral) communication of the merits of a case with the Administrator, members of the Environmental Appeals Board, Regional Administrator, Regional Judicial Officer or the Administrative Law Judge after issuance of a complaint. Until the final Agency decision is issued in this case, neither the Administrator, members of the Environmental Appeals Board, Administrative Law Judge, Regional Administrator nor the Regional Judicial Officer shall have any ex parte communication with Respondent or any EPA representatives involved in this matter on the merits of any issue involved in this proceeding.

\_\_\_\_\_  
Date

*Please do  
not date*

  
Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division  
U.S. EPA - Region 4

CERTIFICATE OF SERVICE

I certify that, on the date indicated below, I hand-delivered the original and one copy of the Administrative Complaint and Notice of Opportunity to Request a Hearing (Complaint) for In the Matter of Columbia Farms, Inc., Docket No. EPCRA-IV-97-661, to the Regional Hearing Clerk at the following address:

U.S. EPA - Region 4  
61 Forsyth Street, S.W.  
Atlanta, GA 30303

I also certify that, on the date indicated below, I sent by certified mail, return receipt requested, a copy of the filed Complaint and a copy of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22, to the following address:

Mr. Frank Monroe  
Chief Executive Officer  
Columbia Farms, Inc.  
125 North Lee Street  
Leesville, South Carolina 29070

3/18/98  
Date

Sharlene Davis Broadnax  
Sharlene Davis, Legal Clerk  
Air, Toxics, and General Law  
Environmental Accountability  
Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

In the Matter of  
Columbia Farms, Inc.,  
Respondent.

)  
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)  
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Docket No. EPCRA-IV-97-661

I. CONSENT AGREEMENT AND CONSENT ORDER

Winston A. Smith, Director, Air, Pesticides & Toxics Management Division, United States Environmental Protection Agency (EPA), Region 4 (Complainant) and Columbia Farms, Inc., (Respondent), the parties herein, having consented to entry of the Consent Agreement and Consent Order (CACO) before the taking of any testimony and without adjudication of any issue of fact or law, consent to the terms of this CACO.

The Complainant and Respondent entered into negotiations in an attempt to settle the allegations contained in the Administrative Complaint (Complaint). This CACO is the result of such negotiations.

I. CONSENT AGREEMENT

A. Preliminary Statement

1. On December 23, 1997, Respondent entered into a National Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 Sector Enforcement Agreement (Agreement) with EPA, agreeing to submit to the appropriate State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), local fire department, and EPA a completed emergency and

hazardous chemical inventory form for calendar year 1995, as described at 40 C.F.R. §370.25. Pursuant to the Agreement, Respondent submitted a completed chemical inventory form for calendar year 1995 to the SERC, LEPC, and local fire department. A copy of the completed chemical inventory form was received by EPA on or about January 6, 1998.

2. EPA issued a Complaint alleging a violation of EPCRA Section 312, 42 U.S.C. §11022, and 40 C.F.R. § 370.25, in that Respondent failed to file a completed chemical inventory form for calendar year 1995 in a timely manner.

3. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim for which relief can be granted against Respondent. Respondent waives any defenses it might have as to venue.

4. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint.

5. Respondent admits the factual allegations contained in the Complaint, set forth in Part B of this CACO, but denies that those allegations constitute violations of EPCRA, and consents to the Terms of Settlement, set forth in Part D of this CACO.

6. Respondent agrees to the Terms of Settlement and consents to pay a civil penalty of TWO THOUSAND DOLLARS (\$2,000), as described in Paragraph D.2.



B. EPA FINDINGS OF FACT

Paragraphs 1, 2, 3, 5, 7, 8, 9, and 11 of the Complaint are incorporated herein by reference as EPA's Findings of Fact in this matter.

C. CIVIL PENALTY

As a result of Respondent's agreement to participate in EPA's National Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 Sector Enforcement Initiative, and pursuant to the terms of the Agreement, signed by the Respondent and Complainant, Respondent is eligible for the reduced civil penalties stipulated to in the Agreement. Accordingly, the parties agree to a civil penalty of TWO THOUSAND DOLLARS (\$2,000).

D. TERMS OF SETTLEMENT

1. This CACO resolves all civil and administrative claims and causes of action which arose or could have arisen in connection with any report submitted pursuant to the terms of the Agreement and this CACO. This CACO shall not otherwise affect any liability of Respondent to the United States. Neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for any other alleged violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

2. Respondent agrees to pay a civil penalty in the sum of TWO THOUSAND DOLLARS (\$2,000) within 30 calendar days after

receiving a copy of the fully executed and filed CACO.

Respondent shall send a cashier's or certified check, made payable to the "Treasurer of the United States of America," in the amount of TWO THOUSAND DOLLARS (\$2,000) to:

U.S. Environmental Protection Agency - Region 4  
Regional Hearing Clerk  
P.O. Box 100142  
Atlanta, Georgia 30384

Respondent shall reference on the face of the check the name and docket number on the Complaint.

3. At the time of payment Respondent shall send a copy of the check, and a written statement that payment has been made in accordance with this CACO, to each of the following persons at the following addresses:

Dennis Wile  
EPCRA Enforcement Section  
U.S. Environmental Protection Agency - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Saundi Wilson  
Environmental Accountability Division  
U.S. Environmental Protection Agency - Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

4. If Respondent fails to pay the TWO THOUSAND DOLLAR (\$2,000) civil penalty within 30 days after receipt of a copy of the fully executed CACO, Respondent agrees to pay a stipulated penalty of ONE HUNDRED DOLLARS (\$100) per day for each day payment is overdue, unless EPA agrees in writing to excuse or mitigate the stipulated penalty. EPA may excuse or mitigate any stipulated penalty if it concludes in its discretion, based on an

appropriate showing by the Respondent, that the failure to pay occurred despite Respondent's exercise of good faith and due diligence. Stipulated penalties shall begin to accrue on the day after payment is due. Respondent shall pay all stipulated penalties within 15 days of receipt of written demand by EPA for such penalties.

5. Pursuant to 31 U.S.C. §3717, EPA is also entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalties and any stipulated penalty assessed, if the penalties are not paid by the last date required. Interest will be assessed at the U.S. Treasury tax and loan rate in accordance with 4 CFR §102.13(c). A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys' fees.

6. Pursuant to Section 325 of EPCRA, 42 U.S.C. §11045, failure by Respondent to pay any civil penalty under this Consent Agreement in a timely manner, according to Paragraphs D.2, D.3 and D.4, may result in the forwarding of this action to the United States Department of Justice for collection of the amount due, plus stipulated penalties, interest, and a charge to cover the cost of processing and handling a delinquent claim. This provision does not limit EPA from using any or all other remedies available at law and in equity to enforce this Consent Agreement.

E. OTHER MATTERS

1. Nothing in this CACO shall relieve Respondent of its duty to comply with all applicable provisions of EPCRA and other environmental statutes.

2. Any change in ownership or corporate status of the Respondent including, but not limited to, any transfer of assets or real or personal property, shall in no way alter Respondent's responsibilities under this CACO.

3. The provisions of this CACO shall apply to and be binding on the Parties, their officers, directors, employees, successors, and assigns upon signature of the Regional Administrator.

4. Respondent's obligations under this CACO shall end when Respondent has performed all of the terms of the CACO, including submission of all required completed chemical inventory forms to the SERC, LEPC, local fire department and EPA and payment of civil penalties and stipulated penalties, as appropriate.

5. The penalty specified in Paragraph D.2 shall represent a civil penalty assessed by EPA. Respondent shall not treat this civil penalty as a deduction for purposes of federal taxes.

6. Each party shall bear its own costs and attorney's fees related to the action resolved by this CACO.

7. The Consent Order shall have the same force and effect as a final order, as defined in 40 C.F.R. §22.03, and as used in the "Guidelines for Assessment of Civil Penalties Under Section



16 of the Toxic Substances Control Act," 45 Fed. Reg. 59,770 (September 10, 1980).

8. All of the terms and conditions of this CACO together comprise one agreement, and each of the terms and conditions is in consideration of all of the other terms and conditions. In the event that this CACO, or one or more of its terms and conditions, is held invalid, or is not executed by all of the signatory parties in identical form, or is not approved in such identical form by the Regional Administrator, then the entire CACO shall be null and void.

9. The undersigned representatives of each party to this CACO certify that each is duly authorized by the party whom he or she represents to enter into the terms and bind that party to it.

AGREED AND CONSENTED TO:

FOR COMPLAINANT:

2/12/98  
Date

Winston A. Smith  
Director  
Air, Pesticides & Toxics  
Management Division

FOR RESPONDENT:

2/25/98  
Date

Rocky White  
Signature

Rocky White  
Name (type or print)

Director of Human Resources  
Title  
Columbia Farms, Inc.,

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:	)	
	)	
Columbia Farms, Inc.,	)	Docket No. EPCRA-IV-97-661
	)	
Respondent.	)	

FINAL ORDER

Pursuant to Section 325 of the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. § 11045, it is hereby ORDERED THAT:

1. Respondent shall comply with all of the terms of the Consent Agreement, incorporated herein by reference, and with the requirements set forth in EPCRA and the regulations thereunder.

2. Respondent is assessed a civil penalty in the sum of TWO THOUSAND DOLLARS (\$2,000).

3. Respondent shall, within 30 calendar days of receipt of a copy of the fully executed and filed CACO, forward a certified or cashier's check, payable to the "Treasurer of the United States of America," in the amount of TWO THOUSAND DOLLARS (\$2,000) to:

U.S. EPA - Region 4  
Regional Hearing Clerk  
P.O. Box 100142  
Atlanta, Georgia 30384

The check shall bear the case docket number EPCRA-IV-97-661.

4. Failure to remit the civil penalty as prescribed in Paragraph D.2 of the Consent Agreement, in accordance with this Order, will constitute a breach of this Order and will cause Respondent to become immediately subject to the stipulated penalty of ONE HUNDRED DOLLARS (\$100) per day, plus interest as allowed by law, and without further proceedings.

IT IS SO ORDERED. This Consent Order shall become effective immediately.



John H. Hankinson, Jr.  
Regional Administrator  
U.S. EPA, Region 4

3/9/98

Date

CERTIFICATE OF SERVICE

I certify that, on the date indicated, I hand-delivered the original of the Consent Agreement/Consent Order (CACO) for In the Matter of Columbia Farms, Inc., Docket Number EPCRA-IV-97-661, to the Regional Hearing Clerk at the following address:

U.S. EPA -- Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

I also certify, that on the date indicated below, I sent by certified mail, return receipt requested, a copy of the filed CACO to the following address:

Mr. Frank Monroe  
Chief Executive Officer  
Columbia Farms, Inc.  
125 N. Lee Street  
Leesville, South Carolina 29070

3/18/98  
Date

Sharlene Broadnax  
Sharlene Broadnax, Legal Clerk  
Air, Toxics, and General Law  
Environmental Accountability  
Division





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER  
61 FORSYTH STREET, SW  
ATLANTA, GEORGIA 30303-8909

FEB 12 1998

4APT-EES

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Vance E. Drawdy, Esquire  
Haynsworth, Baldwin, Johnson  
& Greaves, LLC.  
P.O. Box 10888  
Greenville, South Carolina 29603-1088

SUBJ: National Emergency Planning and Community Right-to-Know  
Act (EPCRA) Section 312 Initiative

Dear Mr. Drawdy:

Reference is made to your letter of December 12, 1997, to Karen Singer, Assistant Regional Counsel, in which you request that Columbia Farms, Inc., West Columbia location, case (EPCRA-IV-97-661) documents be sent to you for review.

Accordingly, I am forwarding a fully executed copy of Columbia Farms, Inc.'s, West Columbia location, National EPCRA Section 312 Sector Enforcement Agreement (Agreement), signed by Winston A. Smith, U.S. Environmental Protection Agency (EPA) Region 4, Director of the Air, Pesticides & Toxics Management Division, for your records.

Pursuant to the procedures outlined in the Agreement, I am enclosing the Consent Agreement/Consent Order (CACO) EPA is proposing to resolve the alleged violation of EPCRA Section 312 at that facility. In addition, I am also enclosing a draft of the Administrative Complaint (Complaint) referred to in the CACO, for reference purposes only. This Complaint is not subject to substantive revision.

Please have the appropriate corporate officer sign the CACO where indicated and return it within 30 calendar days of receipt of this letter, to:

Dennis Wile  
EPCRA Enforcement Section  
U. S. Environmental Protection Agency  
Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NATIONAL EMERGENCY PLANNING AND COMMUNITY  
RIGHT-TO-KNOW ACT (EPCRA)

SECTION 312 SECTOR ENFORCEMENT AGREEMENT

The United States Environmental Protection Agency (EPA) and Columbia Farms, Inc., West Columbia location (Regulatee) enter into this National EPCRA Section 312 Sector Enforcement Agreement (Agreement) and, by consenting to the terms and signing the document, agree to fully comply with its terms.

EPA and the Regulatee agree to the following:

I. Initiative Participation Requirements

A. The Regulatee agrees to determine the status of its compliance with the annual chemical inventory reporting requirements outlined in EPCRA Section 312 and 40 CFR §370.25.

B. The Regulatee agrees to complete this Agreement where indicated, and sign and return it to the address listed below via overnight post.

Dennis Wile  
U.S Environmental Protection Agency  
Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

C. EPA reserves the right to reject, in any circumstances, an Agreement containing any changes, additions, deletions, or substitutions, other than parts of the Agreement requiring completion by the Regulatee, made by the Regulatee. Furthermore, EPA reserves the right not to accept, in any circumstances, an incomplete Agreement.

D. Upon acceptance, EPA will sign the Agreement and send Regulatee a copy of the fully executed document, along with a draft Administrative Complaint (Complaint) and a Consent Agreement/Consent Order (CACO) proposed to resolve the matter. The Complaint will be included for reference purposes only and will not be subject to substantive change. The CACO will describe the terms and conditions of settlement.

E. The Regulatee must sign the CACO and return it to EPA, postmarked no later than 30 days from receipt, at the address listed in Paragraph I.B.



F. Upon receipt, the CACO will be forwarded to the EPA Region 4 Regional Administrator for signature. Both the Complaint and CACO will then be filed with the Regional Hearing Clerk, as required by 40 CFR §22.05(a). Copies of the filed documents will be sent to the Regulatee.

## II. EPCRA Section 312 Chemical Inventory Reporting Requirements

A. To participate in the National EPCRA Section 312 Sector Enforcement Initiative, the Regulatee agrees to comply with all chemical inventory reporting requirements found at 40 CFR §370.25. All submissions shall be in conformance with 40 CFR Part 370.

B. The Regulatee agrees to submit to the appropriate State Emergency Response Commission (SERC), the Local Emergency Planning Committee (LEPC), and fire department with jurisdiction over its facility completed chemical inventory forms (Tier II) for calendar year 1995 (January 1 - December 31, 1995). The Regulatee agrees to contact the SERC at (615) 741-4173 for Tier II forms and instructions. The original completed Tier II form(s) should be sent to:

Pete Saussy  
EPCRA Coordinator  
SCDHEC/SCSERC  
2600 Bull Street  
Columbia, South Carolina 29201

C. A copy of the Tier II form(s) and the signed Sector Agreement shall be sent to EPA at the address listed in Paragraph I.B., postmarked no later than 60 days from receipt of the Sector Agreement. In addition, a letter containing the following information, must accompany the submission:

1. company name, address, and telephone number;
2. the signature and printed name, title, and telephone number of the person submitting the forms; and
3. a clear statement that the inventory forms are being submitted pursuant to EPCRA Section 312 and this Agreement.

## III. Civil Penalty

A. The Regulatee agrees to pay a civil penalty in the amount of TWO THOUSAND DOLLARS (\$2,000), regardless of the number of chemicals omitted from reporting forms the Regulatee was required to submit under EPCRA Section 312 or the number of years of noncompliance.

B. The Regulatee agrees to pay the TWO THOUSAND DOLLAR (\$2,000) penalty within 30 days of receipt of a copy of the fully executed and filed CACO.

C. Both Parties agree that execution and filing of the CACO shall constitute a complete and final settlement of all civil and administrative claims and causes of action which arose or could have arisen under EPCRA Section 312 prior to March 1, 1996.

#### IV. Other Matters

A. Nothing in this Agreement shall relieve the Regulatee of its obligation to comply with all applicable requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), any other provisions of EPCRA or any other environmental laws.

B. The Regulatee's obligations under this Agreement shall end when the information required under Paragraphs II.B. and II.C of this Agreement have been submitted, the CACO has been signed, and the TWO THOUSAND DOLLAR (\$2,000) civil penalty has been paid.

C. All of the terms and conditions of this Agreement together comprise one agreement, and each of the terms and conditions is in consideration for all of the other terms and conditions. In the event this Agreement (or one or more of its terms or conditions) is held invalid, or is not executed by all of the required signatory parties in identical form, then the entire Agreement shall be null and void.

D. The Regulatee may assert claims of confidentiality pursuant to EPCRA Section 322, 42 U.S.C. §11042, for submissions under this Agreement. All such assertions must be made in strict compliance with the procedures outlined in 40 CFR Part 350.

E. Although EPA is not requiring submission of completed inventory forms for any reporting years prior to calendar year 1995, the Regulatee must contact its SERC to determine whether submissions of chemical inventory reports for previous years must be filed.



F. This Agreement does not affect, preclude or limit payments of any state filing fees or any back fees owed to any state.

AGREED AND CONSENTED TO:

FOR EPA:

Feb. 12, 1998  
Date

James D. Smith  
Winston A. Smith, Director  
Agr. Pesticides & Toxics  
Management Division

FOR REGULATEE:

Dec 23 1997  
Date

DONALD A GIBSON  
Name

Donald Gibson  
Signature

CORPORATE ENGINEER  
Title

COLUMBIA FARMS, INC  
Company

PO Box 168 Columbia SC 29202  
Facility Address

Dan Gibson 803-794-8440  
Technical Contact Name and Phone

DEC 15 '97 13:50

## Tier Two Form: HAZARDOUS CHEMICAL INVENTORY Facility Info

Page 1 of 2 pages

SC State Emergency Response Commission January, 1995

Please type in ALL CAPS and put N/A for "Not available" or "Not Applicable" where appropriate

Reporting Period: 19  Info same as last year? Y/N 

Facility Name: COLUMBIA FARMS, INC.

Division/specific: WEST COLUMBIA PROCESSING P-687

Mailing Address: P.O. BOX 168 COLUMBIA, SC 29202

Street Address: 338 SUNSET BLVD

City: WEST COLUMBIA

State: SC

Zip

29169

Cross Street:

County

LEXINGTON

Latitude: 33D 59'45"

Longitude: 81D 3'30"

Type of Business: POULTRY PROCESSING

SIC Codes

2015

Dun &amp; Brad#

N/A

Owner/Operator: FRANK MONROE



(803) 532-4488

Mail Address: P.O. BOX 577 LEESVILLE, SC 29070

Site Plan Attached ☒ Y/N>

Site Coordinates used on plan? Y/N&gt;

☒ N

Spill Prevention devices shown? Y/N&gt;

☐ N

## Emergency Contacts

Local Contact Name

DON GIBSON

Title

CORPORATE ENGINEER

Work

(803) 794-8440

24 Hr.

(803) 788-1234

Backup Contact

JON W. JARRARD SR

Title

MAINTENANCE SUPERVISOR

Work

(803) 794-8440

24 Hr.

(803) 788-2320

Company/Facility EPCRA Compliance Coordinator (whoever filled out this form)

Name &amp; Org.

DON GIBSON, COLUMBIA FARMS INC

Compliance

803-794-8440

CERTIFICATION by Responsible Organization Official (Read and sign after completing all sections) I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through \_\_\_\_\_, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Typed Name

DON GIBSON

Signature

Signed: MO

07

DD

30

YR

97

12/15/97 MON 14:48 [TX/RX NO 6245]



DEC 15 '97 13:51  
EPCRA Tier Two Form: HAZARDOUS CHEMICAL INVENTORY

Page 2 of 2 pages

Reporting Period: 19 97 Info identical last year? Y/N-> N Storage Locations Confidential? Y/N-> NFacility  
Name

COLUMBIA FARMS, INC.

P687

SC SERC Nov 1994

Chemical  
Name

ANHYDROUS AMMONIA

CAS#

166417

Hazardous  
Ingredients

UN/NA

41

EHS?

☒Physical  
state

Pure Mixture Solid Liquid Gas

☒ ☐ ☐ ☒ ☒

Hazards

Fire

Pressure

Reactive

Acute

Chronic

Temperature

Max Daily  
Amount

03

Avg Daily  
Amount

03

Days on  
Site

365

Container

Pressure

Temperature

STORAGE LOCATION

Max in largest vessel

6000

Diked/ spill containment area? Y/N

N

A	2	4	US 378 Building Roof, top of small stairs near NE Compressor RM near Shipping Dock and US 378
B	2	4	

Chemical  
Name

CARBON DIOXIDE

CAS#

Hazardous  
Ingredients

UN/NA

EHS?

Physical  
state

Pure Mixture Solid Liquid Gas

☐ ☐ ☐ ☐ ☒

Hazards

Fire

Pressure

Reactive

Acute

Chronic

Temperature

Max Daily  
Amount

03

Avg Daily  
Amount

03

Days on  
Site

365

Container

Pressure

Temperature

STORAGE LOCATION

Max in largest vessel

60000

Diked/ spill containment area? Y/N

N

A	5	7	N of Bldg by SC 12 Bridge

Chemical  
Name

FUEL OIL

CAS#

Hazardous  
Ingredients

UN/NA

EHS?

Physical  
state

Pure Mixture Solid Liquid Gas

☐ ☐ ☐ ☐ ☐

Hazards

Fire

Pressure

Reactive

Acute

Chronic

Temperature

Max Daily  
Amount

04

Avg Daily  
Amount

04

Days on  
Site

360

Container

Pressure

Temperature

STORAGE LOCATION

Max in largest vessel

04

Diked/ spill containment area? Y/N

Y

B	1	4	NEXT TO WATER PLANT BY SOUTH FENCE
A	1	4	NEXT TO TRUCK SCALE BY SOUTH FENCE
D	1	4	next to truck scale by south fence

CERTIFICATION

Typed Name

DON GIBSON

Signature



Signed: MO

07

DD

30

YR

97



## Tier Two Form: HAZARDOUS CHEMICAL INVENTORY Facility Info

Page 1 of 2 pages

SC State Emergency Response Commission January, 1995

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Dun &amp; Brad#

N/A

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FRANK MONROE



(803) 532-4488

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P.O. BOX 577 LEESVILLE, SC 29070

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Site Coordinates used on plan? Y/N&gt;

☒ N

Spill Prevention devices shown? Y/N&gt;

☐ N

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Typed Name

DON GIBSON

Signature

Signed: MO

02

DD

14

YR

97

## EPCRA Tier Two Form: HAZARDOUS CHEMICAL INVENTORY

Page 2 of 2 pages

Reporting Period: 18 97 Info Identical last year? Y/N-&gt; N Storage Locations Confidential? Y/N-&gt; N

Facility  
Name>

COLUMBIA FARMS, INC.

P687

SC SERC Nov 1994

Chemical  
Name

ANHYDROUS AMMONIA

CAS #&gt;

766417

Hazardous  
Ingredients

UN/NA

41

EHS?

X

Physical  
state

Pure

Mixture

Solid

Liquid

Gas

Hazards

Fire

Pressure

Reactive

Acute

Chronic

X

X

X

X

X

Max Daily  
Amount

03

Avg Daily  
Amount

03

Days on  
Site

365

Container

Pressure

Temperature

STORAGE LOCATION

A 2 4

Building Roof, top of small stairs near US 378

B 2 4

NE Compressor RM near Shipping Dock and US 378

Max in largest vessel

6000

Diked/ spill containment area? Y/N

N

Chemical  
Name

CARBON DIOXIDE

CAS #&gt;

Hazardous  
Ingredients

UN/NA

EHS?

Physical  
state

Pure

Mixture

Solid

Liquid

Gas

Hazards

Fire

Pressure

Reactive

Acute

Chronic

X

X

Max Daily  
Amount

03

Avg Daily  
Amount

03

Days on  
Site

365

Container

Pressure

Temperature

STORAGE LOCATION

A 5 7

N of Bldg by SC 12 Bridge

Max in largest vessel

60000

Diked/ spill containment area? Y/N

N

Chemical  
Name

CAS #&gt;

Hazardous  
Ingredients

UN/NA

EHS?

Physical  
state

Pure

Mixture

Solid

Liquid

Gas

Hazards

Fire

Pressure

Reactive

Acute

Chronic

Max Daily  
AmountAvg Daily  
AmountDays on  
Site

Container

Pressure

Temperature

STORAGE LOCATION

Max in largest vessel

Diked/ spill containment area? Y/N

CERTIFICATION

Typed Name

DON GIBSON

Signature



Signed: MO

02

DD

14

YR

97